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MISSOULA, MT
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PATRICK E. DUFFY
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JAMES MORRISON,)	CV 97-45-H-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
RICK DAY, MIKE MAHONEY,)	
and LINDA MOODREY,)	
)	
Defendants.)	
)	

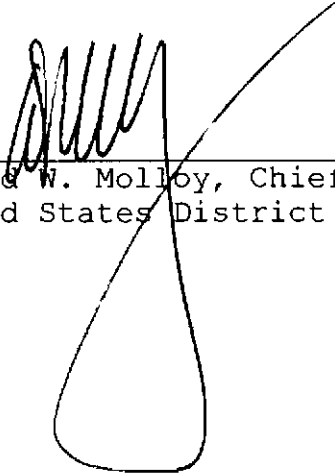
United States Magistrate Judge Leif B. Erickson entered Findings and Recommendation in this matter on January 6, 2005. Plaintiff did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1) (2000). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427

(9th Cir. 2000).

After a remand from the Ninth Circuit in March 2004, Plaintiff has repeatedly ignored Court orders and failed to keep the Court and opposing parties notified of his current address in violation of L. R. 5.5(a).¹ More than sixty days have passed since the Court received returned mail from Plaintiff's last known address. Pursuant to L. R. 5.5(b), Judge Erickson correctly recommended dismissing this case.

Based on the foregoing, IT IS HEREBY ORDERED that Judge Erickson's Findings and Recommendation (dkt #75) are adopted in full. Plaintiff's case is DISMISSED WITHOUT PREJUDICE.

DATED this 10 day of April, 2006.



Donald W. Molloy, Chief Judge
United States District Court

¹Judge Erickson's Findings and Recommendation show the Court has issued five orders to Plaintiff that direct Plaintiff to provide notice of change of address.